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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,035	07/09/2003	Van Kirk Fehr	10.277.002	3870

30236 7590 12/29/2005

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/615,035	FEHR, VAN KIRK	
	Examiner	Art Unit	
	Stella L. Woo	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US 4,760,593, hereinafter "Shapiro") in view of Schornack et al. (US 5,946,616, hereinafter "Schornack").

Shapiro discloses a personal alarm system comprising:

a base unit (subscriber station 10);

a POTS telephone handset and telephone keypad (telephone 22 connected to subscriber 10; Figure 1); and

telephone circuitry operable to establish two-way telephone service over a twisted pair of POTS wiring (col. 5, lines 25-27).

Shapiro differs from claim 1 in that it does not teach telephone circuitry to establish two-way wireless telephone service and control electronics to selectively switch between POTS service and wireless telephone service.

However, Schornack (see Figure 5) teaches the desirability of adding cellular communication capability (via cellular phone interface 204) to a landline voice telephone (telephone device; col. 2, lines 8-20) as well as control electronics for

selectively switching (communication path switching circuit 406 connects telephone device 108 to a telephone line or the cellular interface; col. 12, lines 40-60) such that it would have been obvious to an artisan of ordinary skill to incorporate wireless two-way communication capability with selective switching, as taught by Schornack, within the alarm system of Shapiro so that an alarm call can be selectively placed over the POTS network or the cellular network.

The combination of Shapiro and Schornack differs from claim 1 in that it does not teach a digital recording and voice recognition circuitry operable to activate the emergency communication system from a location remote from the base unit. However, Otero teaches the desirability of activating an emergency speakerphone by voice command (voice recognition software compares voice signatures with the apparatus's internal database; page 2, paragraph 36) such that it would have been obvious to an artisan of ordinary skill to incorporate such voice activation, as taught by Otero, within the combination of Shapiro and Schornack so that a user in need of emergency assistance and unable to reach the speakerphone base or unable to press the help button can place an emergency call simply by providing a voice command.

Regarding claim 2, in Shapiro, speakerphone 20 can be activated by a control signal transmitted from the central monitoring station 14 (col. 5, lines 41-54) or under the control of the subscriber station 10 (col. 5, lines 23-38).

Regarding claim 3, in Otero, an emergency call is placed in response to a voice command ("Help 911"; paragraph 36).

Regarding claim 5, in Shapiro, a help button 18 is provided (col. 4, lines 24-33; col. 5, lines 13-15; col. 8, lines 34-40; col. 10, lines 33-40).

3. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shapiro, Schornack, and Otero, as applied to claim 1 above, in view of Schulze (US 6,259,787), and further in view of Betcher, III (US 6,163,249).

The combination of Shapiro, Shornack, and Otero differs from claims 6 and 10 in that it does not teach a level sensor and circuitry operable to contact an emergency service in the event the base unit is in a non-horizontal condition. However, Schulze teaches the desirability of activating an alarm call when a telephone device is knocked over, dropped, moved, etc. (col. 3, lines 46-64; col. 4, lines 24-43; col. 5, lines 34-40) so that a patient who cannot control his movements sufficiently to operate a telephone in the normal manner can place an emergency telephone call by merely moving, dropping, etc. the telephone device. However, Schulze does not detect movement by a level sensor. Betcher, III teaches the desirability of using a level sensor (tilt actuator detects when an object has been repositioned; col. 3, line 62 – col. 4, line 6) in an alert system such that it would have been obvious to an artisan of ordinary skill to incorporate such a level sensor, as taught by Betcher, III within the

combination of Shapiro, Shornack, Otero, and Szhulze as alternative means of detection when the telephone device has been repositioned.

4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shapiro, Shornack and Otero, as applied to claim 1 above, and further in view of Chen (US 6,060,994).

The combination of Shapiro, Shornack and Otero differs from claims 7-9 in that it does not teach detecting a dead line condition of the handset and alerting the emergency service of the dead line condition. However, Chen teaches an alarm system which informs a remote administrant of a detected dead line condition of a telephone set (col. 5, line 13) such that it would have been obvious to an artisan of ordinary skill to incorporate such event reporting, as taught by Chen, within the combination of Shapiro, Shornack and Otero so that an emergency condition, such as a handset which remains off-hook, can be detected and reported.

Regarding claim 9, when an emergency event is detected, a wireless telephone signal is established with the resident (col. 7, lines 35-38).

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 5-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

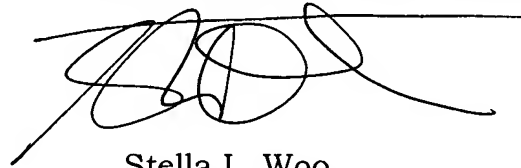
See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Stella L. Woo
Primary Examiner
Art Unit 2643